

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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TYRONE B. HUTCHINS,  
Plaintiff,

v.

NEVADA DEPARTMENT OF  
CORRECTIONS, et al.,  
Defendants.

3:10-cv-00369-LRH-WGC

ORDER

Before this Court is the Report and Recommendation of U.S. Magistrate Judge William G. Cobb (#42<sup>1</sup>) entered on October 5, 2011, recommending granting Plaintiff's Motion for Leave to File Second Amended Complaint (#36) filed on September 6, 2011; denying as moot Plaintiff's Motion to Stay Summary Judgment Proceedings (#39) filed on September 26, 2011; and denying as moot Defendants' Motion for Leave to File Confidential Documents in Support of Defendants' Motion for Summary Judgment (#22) and Defendants' Motion for Summary Judgment (#23), both of which were filed on June 7, 2011. Plaintiff filed his Objection to Report and Recommendation by U.S. Magistrate Judge (#43) on October 17, 2011. Defendants have not filed an opposition. This matter was referred to the U.S. Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 1B 1-4 of the Rules of Practice of the United States District Court for the District of Nevada.

<sup>1</sup>Refers to court's docket number.

1 The Court has conducted its *de novo* review in this case, has fully considered the objections of  
2 the Plaintiff, the pleadings and memoranda of the parties and other relevant matters of record pursuant  
3 to 28 U.S.C. § 636 (b) (1) (B) and Local Rule IB 3-2. The Court determines that the Magistrate  
4 Judge's Report and Recommendation (#42) entered on October 5, 2011, should be adopted and  
5 accepted.

6 IT IS THEREFORE ORDERED that the Magistrate Judge's Report and Recommendation (#42)  
7 entered on October 5, 2011, is adopted and accepted as follows:

- 8 • Plaintiff's Motion for Leave to File Second Amended Complaint (#36) is GRANTED; the  
9 Clerk of the Court shall file the Second Amended Complaint;
- 10 • NDOC is DISMISSED from the Second Amended Complaint, with prejudice;
- 11 • Defendant Jane Doe is DISMISSED from the Second Amended Complaint, without prejudice;
- 12 • Plaintiff's state law claims brought under NRS 209.371, NRS 212.020, and NRS 197.200 are  
13 DISMISSED from the Second Amended Complaint, with prejudice;
- 14 • Defendants' Motion for Leave to File Confidential Documents in Support of Defendants'  
15 Motion for Summary Judgment (#22) is DENIED AS MOOT;
- 16 • Defendants' Motion for Summary Judgment (#23) is DENIED AS MOOT;
- 17 • Plaintiff's Motion to Stay Summary Judgment Proceedings (#39) is DENIED AS MOOT;
- 18 • The Scheduling Order (#20) is VACATED;
- 19 • The Clerk of the Court shall electronically serve a copy of this Order adopting the Report and  
20 Recommendation, along with a copy of the Second Amended Complaint, on the Office of the  
21 Attorney General of the State of Nevada, attention Pamela Sharp. The Attorney General shall  
22 advise the court within twenty-one (21) days of the date of entry of this order whether they can  
23 accept service of process for the named defendants and the last known address under seal of  
24 the defendant(s) for which they cannot accept service. If the Attorney General accepts service  
25 of process for any named defendant(s), such defendant(s) shall file and serve an answer or other  
26 response to the complaint within thirty (30) days of the date of the notice of acceptance of

1 service; and

2 • Henceforth, Plaintiff shall serve upon defendants or, if an appearance has been made by  
3 counsel, upon their attorney(s), a copy of every pleading, motion, or other document submitted  
4 for consideration by the court. Plaintiff shall include with the original paper submitted for filing  
5 a certificate stating the date that a true and correct copy of the document was mailed to the  
6 defendant(s) or counsel for defendant(s). If counsel has entered a notice of appearance, all  
7 papers shall be sent to the address stated therein. The court may disregard any paper received  
8 by a district judge or a magistrate judge that has not been filed with the Clerk, and any paper  
9 which fails to include a certificate showing proper service.

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11 IT IS SO ORDERED.

12 DATED this 22nd day of March, 2012.

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LARRY R. HICKS  
UNITED STATES DISTRICT JUDGE